

Message Text

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ACTION EUR-12

INFO OCT-01 NEA-10 IO-13 ISO-00 MCT-01 CIAE-00 DODE-00
PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
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R 091128Z FEB 77
FM AMEMBASSY VALLETTA
TO SECSTATE WASHDC 7221
INFO AMEMBASSY ATHENS
AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY NICOSIA
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY REYKJAVIK
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY TEL AVIV
AMEMBASSY VIENNA
USMISSION USUN NEW YORK
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DIA WASHDC
AMEMBASSY COPENHAGEN

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TAGS: COE, UN, XG, PINS, MT
SUBJECT: COUNCIL OF EUROPE ANTI-TERRORISM CHARTER

REF: STRASBOURG 026,

1. THE MALTESE GOVERNMENT HAS, THUS FAR, GIVEN NO
OFFICIAL EXPLANATION FOR ITS REFUSAL TO SIGN THE COE

CONVENTION ON THE SUPPRESSION OF TERRORISM. EVEN IN THE FACE OF CRITICISM FROM THE OPPOSITION NATIONALIST PARTY AND THE ANTI-MINTOFF SECTOR OF THE MALTESE PRESS, THE GOM HAS REMAINED SILENT ON THE SUBJECT.

2. AFTER HIS RETURN FROM STRASBOURG, LABOR PARLIAMENTARIAN DR. JOSEPH BRINCAT (DEPUTY LEADER OF THE MALTA LABOR PARTY) WAS QUOTED IN ONE OF THE PRO-MINTOFF NEWSPAPERS TO THE EFFECT THAT MALTA HAD NOT SIGNED BECAUSE THE COE CONVENTION WAS "FULL OF LOOPHOLES" WHICH "MIGHT CAUSE IT TO BECOME MEANINGLESS." HE ADDED, HOWEVER, THAT HE DOUBTED WHETHER MALTA SHOULD SIGN A CONVENTION THAT MIGHT RESULT IN THE EXTRADITION OF "PEOPLE WHO BREAK THE LAW IN ORDER TO LIBERATE THEIR COUNTRIES." "THESE ARE CONSIDERED AS CRIMINALS BY SOME, BY WHEN THEY FINALLY SUCCEED TO WIN THEIR STRUGGLE, THEY BECOME HEROES", DR. BRINCAT ADDED.

3. IN AN EFFORT TO OBTAIN A MORE OFFICIAL EXPLANATION FOR MALTA'S REFUSAL TO SIGN THE CONVENTION, THE AMBASSADOR RAISED THE SUBJECT INFORMALLY WITH THE ATTORNEY GENERAL, DR. EDGAR MIZZI, REMINDING HIM OF THE ADVERSE IMPACT IN THE US OF MALTA'S ACTION. IN A WRITTEN AND TESTY REPLY, MIZZI SAID THE MAIN REASON WAS A SPECIFIC PROHIBITION IN THE MALTESE CONSTITUTION AGAINST EXTRADITION FOR POLITICAL PURPOSES. HOWEVER, DR. MIZZI ADDED OTHER COMMENTS WHICH PARALLEL THOSE OF DR. BRINCAT CONCERNING THE OVER-ALL GOM ATTITUDE ABOUT TERRORISM.

4. THE APPLICABLE PORTION OF THE ATTORNEY GENERAL'S LIMITED OFFICIAL USE

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REPLY TO THE AMBASSADOR WAS AS FOLLOWS:

BEGIN TEXT: "THE SO-CALLED 'ANTI-TERRORISM CONVENTION' OF THE COUNCIL OF EUROPE REQUIRES CONTRACTING STATES TO REGARD AS NONPOLITICAL CERTAIN OFFENSES WHICH ARE OBVIOUSLY OF A POLITICAL CHARACTER. THIS REQUIREMENT IS IMPOSED EXPRESSLY 'FOR THE PURPOSES OF EXTRADITION', AND THE NEED FOR THE CONVENTION AROSE FROM THE FACT THAT, IN PRACTICALLY ALL EXTRADITION TREATIES, EXTRADITION FOR POLITICAL CRIMES IS EXPRESSLY EXCLUDED.

"IN OUR CASE, THE EXTRADITION OF PERSONS FOR POLITICAL CRIMES IS PROHIBITED BY THE CONSTITUTION, NOT BECAUSE OF ANY PRINCIPLE OF INTERNATIONAL LAW, IT IS PROHIBITED BY WAY OF PROTECTION OF A FUNDAMENTAL HUMAN RIGHT AND IT IS PROHIBITED ALSO IN VERY CLEAR AND UNEQUIVOCAL TERMS: 'NO PERSON SHALL BE EXTRADITED FOR AN OFFENSE OF A POLITICAL CHARACTER (SECTION 44(A) OF THE CONSTITUTION).' OBVIOUSLY THE GOVERNMENT OF MALTA COULD NOT, EVEN IF IT

WISHED TO, SIGN THE EUROPEAN CONVENTION.

"IT IS A PIOUS HOPE TO EXPECT EXTRADITION TO SUPPRESS
THOSE ACTIVITIES WHICH WESTERN PROPAGANDA TERMS TERRORISTIC
BUT WHICH FOR THOSE WHO RISK THEIR OWN LIVES TO ACCOMPLISH
THEM ARE - RIGHTLY OR WRONGLY - ACTS OF HEROISM. YOU
CANNOT SUPPRESS HEROISM NOR CAN YOU SUPPRESS WHAT IS
BELIEVED TO BE SUCH; JUST AS PERSECUTION WILL NOT
SUPPRESS REBELLION, ESPECIALLY WHEN THE CAUSE IS A JUST
ONE; INDEED, IN MANY CASES IT SHARPENS IT. THE REMEDY
LIES IN REMOVING THE CAUSES OF THE UNREST; AND UNTIL WE
DO THAT THE EUROPEAN CONVENTION WILL SERVE ONLY TO ALLAY
THE CONSCIENCE OF SOME AND THE FEARS OF A FEW OTHERS."
END TEXT

5. COMMENT: DESPITE THE ARGUMENTS ADVANCED BY BOTH
BRINCAT AND MIZZI, WE EXPECT THE REAL REASON BEHIND THE
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GOM'S REFUSAL TO SIGN WAS PRIME MINISTER MINTOFF'S FEAR
OF THE REMOTE POSSIBILITY THAT HE MIGHT SOME DAY BE
ASKED TO TURN OVER AN ARAB TERRORIST TO SOME WESTERN
GOVERNMENT. REGARDLESS OF WHAT THE OFFICIAL GOM
EXPLANATION TURNS OUT TO BE, MINTOFF WOULD NOT WISH TO
TAKE A POSITION IN AN INTERNATIONAL FORUM WHICH COULD
BE CONSIDERED TO BE ANTI-ARAB AND/OR PRO-ISRAELI ON SUCH
AN ISSUE. LAINGEN

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Message Attributes

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